

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

**ORDER**  
08-CV-00706-A

STERLING JEWELERS, INC.,

Defendant.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for pretrial proceedings. On January 2, 2014, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 383) recommending that the motion of defendant Sterling Jewelers, Inc., for partial summary judgment (Dkt. No. 336) be granted to the extent that the claim of plaintiff Equal Employment Opportunity Commission of a nationwide pattern or practice of employment discrimination by defendant Sterling be dismissed, with prejudice, and that the motion be otherwise denied, and that defendant's motion to strike (Dkt. No. 370) be denied, without prejudice.

Upon careful consideration of the Report and Recommendation, the objections of plaintiff EEOC, the response to the objections of the EEOC by defendant Sterling, relevant pleadings of the parties, and having heard oral argument on March 7, 2014, the Court hereby adopts the Report and Recommendation, and it is

**ORDERED**, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation (Dkt. No. 383), defendant

Sterling's motion for partial summary judgment is granted in part and the claim of plaintiff EEOC of a nationwide pattern or practice of employment discrimination by defendant Sterling is dismissed, with prejudice, and it is further

**ORDERED**, that defendant Sterling's motion for partial summary judgment (Dkt. No. 336), and defendant's motion to strike (Dkt. No. 370), are otherwise denied as moot, and it is further

**ORDERED**, that the Clerk shall enter Judgment dismissing the action, with prejudice.

**IT IS SO ORDERED.**

*Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

Dated: March 10, 2014